

Introduced by Senator Bowen

February 22, 2005

An act to amend Section 6140 of the Business and Professions Code, to amend Section 1050.5 of the Fish and Game Code, to amend Section 11518 of the Food and Agricultural Code, and to add Section 6167 to the Government Code, relating to credit cards.

LEGISLATIVE COUNSEL'S DIGEST

SB 860, as introduced, Bowen. Credit card processing fees: state agents.

Existing law authorizes state and local agencies and courts to provide for payment by credit card for specified services or obligations under prescribed conditions, which may include the imposition of a fee or charge for costs.

This bill would, on and after May 1, 2006, prohibit any state agency or agent for a state agency that accepts a credit card or debit card as payment for any service or obligation from imposing any processing fee or charge for the use of that card that is not also imposed upon persons who pay for the same service or obligation by cash or check.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6140 of the Business and Professions
- 2 Code is amended to read:
- 3 6140. (a) The board shall fix the annual membership fee for
- 4 active members at a sum not exceeding three hundred ten dollars
- 5 (\$310).

(b) The annual membership fee for active members is payable on or before the first day of February of each year. If the board finds it appropriate and feasible, it may provide by rule for payment of fees on an installment basis with interest, by credit card, or other means, and, *to the extent not prohibited by Section 6167 of the Government Code*, may charge members choosing any alternative method of payment an additional fee to defray costs incurred by that election.

(c) This section shall remain in effect only until January 1, 2006, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2006, deletes or extends that date.

SEC. 2. Section 1050.5 of the Fish and Game Code is amended to read:

1050.5. The department may accept a credit card charge as a method of payment. Any contract executed by the department with credit card issuers or draft purchasers shall be consistent with Section 6159 of the Government Code. Notwithstanding Title 1.3 (commencing with Section 1747) of Part 4 of Division 3 of the Civil Code, the department may, *prior to January 1, 2006*, impose a surcharge in an amount to cover the cost of providing the credit card service, including reimbursement for any fee or discount charged by the credit card issuer.

SEC. 3. Section 11518 of the Food and Agricultural Code is amended to read:

11518. A commissioner accepting payment for pest control registrations or services by credit card or other payment device may, *prior to January 1, 2006*, impose a charge for costs incurred in connection with that form of payment and shall use his or her best efforts to minimize those costs. The terms “credit card” and “payment device” have the same meaning as defined in Section 6161 of the Government Code.

SEC. 4. Section 6167 is added to the Government Code, to read:

6167. Notwithstanding any other provision of law, no state agency or agent for a state agency that accepts a credit card or debit card as payment for any state service or obligation shall impose any processing fee or charge for the use of that card that is not also imposed upon persons who pay for the same service or obligation by cash or check.

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